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Item 4 of the provisional agenda*

ACTION AGAINST NATIONAL AND TRANSNATIONAL ECONOMIC AND ORGANIZED CRIME, AND THE ROLE OF CRIMINAL LAW IN THE PROTECTION OF THE ENVIRONMENT: NATIONAL EXPERIENCES AND INTERNATIONAL COOPERATION

Note verbale dated 2 December 1994 from the Permanent Mission of Austria to the United Nations (Vienna) addressed to the Crime Prevention and Criminal Justice Branch of the Secretariat

The Permanent Mission of Austria to the United Nations (Vienna) presents its compliments to the Crime Prevention and Criminal Justice Branch of the Secretariat and has the honour to transmit as enclosure a draft resolution under item 4 of the provisional agenda of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

The Permanent Mission of Austria to the United Nations (Vienna) avails itself of this opportunity to renew to the Crime Prevention and Criminal Justice Branch the assurances of its highest consideration.

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DRAFT RESOLUTION

Application of United Nations standards and norms in juvenile justice

The Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling General Assembly resolution 45/115 of 14 December 1990, on the instrumental use of children in criminal activities,

Recalling also that the General Assembly, on the recommendation of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, adopted the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules),[1]

Recalling further that the General Assembly, on the recommendation of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, adopted the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)[2] and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,[3]

Noting with appreciation that the Convention on the Rights of the Child[4] had been ratified by 168 States as of 27 January 1995,

Deeply concerned about the severity and brutality with which children and juveniles are used instrumentally in criminal activities in many regions of the world,

Alarmed by the rapid expansion in the exploitation of children,

Concerned about the legal standards of protection provided to children and juveniles in detention in many parts of the world,

Convinced that strengthened cooperation at the international, regional, national and local levels is needed to protect children from becoming victims of crime,

Calling upon Member States to actively support the United Nations crime prevention and criminal justice programme in developing initiatives to promote the effective use and application of United Nations standards and norms in the field of juvenile justice,

1. *Takes note with appreciation* of the recommendations of the expert group meeting on children and juveniles in detention: application of human rights standards,[5] held at Vienna from 30 October to 4 November 1994, which are annexed to the present resolution;

2. *Expresses* its thanks to the Austrian Government for the generous support that made it possible to convene the expert group meeting;

3. *Welcomes* the kind offer of the Austrian Government to act as host to a follow-up meeting to the expert group meeting in 1995;

4. *Recommends* that juvenile justice should be designated as a priority issue within both the United Nations crime prevention and criminal justice programme and the human rights programme of the United Nations;

5. *Calls upon* the United Nations Children's Fund, the Commission on Crime Prevention and Criminal Justice, the Commission on Human Rights and the Committee on the Rights of the Child to give priority to the issue of juvenile justice;

6. *Urges* the Commission on Crime Prevention and Criminal Justice to integrate into the process of information-gathering United Nations standards and norms in juvenile justice and to request all States to submit to the Commission at its sixth session information on the implementation of those standards and norms at the national level, the difficulties encountered in their implementation and the solutions envisaged to remedy existing shortcomings;

7. *Requests* States, with the support of relevant United Nations bodies as well as the institutes comprising the United Nations crime prevention and criminal justice programme network, to ensure that education on human rights and international juvenile justice instruments is integrated, by the year 2000, into the training of law enforcement officials, judges, lawyers, prosecutors, social workers and other professionals concerned with juvenile justice matters, including policy makers, with a view to, *inter alia*, sensitizing those professionals to situations of social risk that cause children to be manipulated by adults into engaging in criminal activities;

8. *Also requests* States to ensure that immigration officers also receive such training by the year 2000, in view of the fact that every child under the jurisdiction of the State should be guaranteed children's rights;

9. *Encourages* the Crime Prevention and Criminal Justice Branch of the Secretariat to develop, in consultation with other relevant United Nations bodies, a code of conduct on children's rights for United Nations peace-keeping operations in order to prevent United Nations personnel from becoming involved in child exploitation and urges that the code of conduct should become an integral and necessary element of training for all such personnel embarking on missions;

10. *Invites* Member States, in cooperation with the relevant United Nations entities and institutes, to develop multidisciplinary educational programmes on the sexual exploitation of children, including the activities of paedophiles and paedophile networks, for law enforcement and other criminal justice personnel, as well as for persons in other relevant fields, such as health care and early childhood and primary education;

11. *Recommends* that States and national and international organizations should establish a pro-child, anti-crime network with the International Criminal Police Organization, national police, immigration and law enforcement agencies, and local community groups to guard against the instrumental use of children in criminal activities, and that each entity in that network should identify a focal point dealing with the exploitation of children in child prostitution and child pornography, in order to ensure constant vigilance and appropriate action;

12. *Urges* States and national and international organizations to underline, by means of national and international campaigns, the role of both the organizer and the customer in child exploitation and to seek the incrimination of customers of children victimized by prostitution and those who make, distribute or possess child pornography;

13. *Encourages* the Centre for Human Rights of the Secretariat, the Crime Prevention and Criminal Justice Branch, the United Nations Children's Fund and the World Tourism Organization to cooperate more closely in establishing a network aimed at the identification and elimination of all forms of sex tourism by, *inter alia*, adopting the draft declaration on organized sex tourism;

14. *Recommends* that systematic research into the causes and effects of the phenomenon of the instrumental use of children in criminal activities should be undertaken, with the support of the institutes comprising the United Nations crime prevention and criminal justice programme network, for the purpose of providing policy and decision makers with accurate information to guide the formulation of international and regional strategies to prevent and control such practices, and also recommends that such research should entail, *inter alia*:

(a) The delineation of types of criminal activities in which children are criminally used;

(b) The collection, dissemination and exchange of relevant information, including laws, policies, programmes and practices, by means of electronic and other networking;

(c) The identification of projects to prevent and control such practices;

15. *Invites* the Commission on Crime Prevention and Criminal Justice, the Commission on Human Rights and the Committee on the Rights of the Child to organize joint periodic missions to visit facilities where juveniles are deprived of their liberty or otherwise restricted and invites the Secretary-General to provide the resources necessary to effectively organize and carry out such missions, as well as to ensure appropriate follow-up;

16. *Calls upon* States and national and international organizations to explore measures to ensure compliance with the principle that the deprivation of liberty should only be used as a measure of last resort, both before trial and after conviction, bearing in mind the high rate of juveniles in remand and the considerable amount of time that they must often spend in custody;

17. *Recommends* that States, together with national and international organizations, should explore means to foster the independent monitoring of juvenile detention facilities, specifically the conditions under which juveniles are deprived of their liberty, focusing on, *inter alia*, the poor access of relatives, non-governmental organizations and other interested parties to such facilities, overcrowding, the lack of programmes for useful activities and exercise, and the frequency of physical and sexual assault, with a view to ensuring the full and effective implementation of the United Nations standards and norms in juvenile justice;

18. *Underlines* the need for adequate preparation of the missions of interregional advisers for crime prevention and criminal justice through needs assessment missions and the need for appropriate follow-up to comprehensive projects, and at the same time recognizes that the successful execution of such missions is contingent upon there being sufficient resources;

19. *Urges* the United Nations High Commissioner for Human Rights, in close cooperation with the Crime Prevention and Criminal Justice Branch, the United Nations Children's Fund and the Committee on the Rights of the Child, to develop strategies to ensure effective coordination of technical cooperation programmes in the field of juvenile justice;

20. *Recommends* that projects within the technical cooperation programmes in the field of juvenile justice should be executed on the basis of needs assessment missions and should entail appropriate evaluation and follow-up procedures, preferably through accompanying action-oriented research, and that regional institutes, the United Nations Children's Fund, other relevant United Nations bodies, national institutions and non-governmental organizations should be involved as an integral part of those activities;

21. *Requests* the Secretary-General to enable the Crime Prevention and Criminal Justice Branch, in cooperation with the Centre for Human Rights and the United Nations Children's Fund, to publish and widely

distribute, as a matter of priority, a manual on standards in juvenile justice and to ensure that adequate funding is provided for that purpose;

22. *Also requests* the Secretary-General to organize an expert group meeting, under the auspices of the Crime Prevention and Criminal Justice Branch and in cooperation with the Centre for Human Rights and the United Nations Children's Fund, to focus on the elaboration of a programme of action aimed at promoting the effective implementation of United Nations standards and norms in juvenile justice.

Annex

RECOMMENDATIONS OF THE EXPERT GROUP MEETING ON CHILDREN AND JUVENILES IN DETENTION: APPLICATION OF HUMAN RIGHTS STANDARDS, HELD AT VIENNA FROM 30 OCTOBER TO 4 NOVEMBER 1994

I. STANDARD SETTING AND IMPLEMENTATION

A. Measures of general application

1. We call upon all States which have not yet done so to ratify the Convention on the Rights of the Child and ensure its effective implementation.

2. We urge States to fully reflect the principles and provisions of the Convention on the Rights of the Child,[4] the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines),[2] the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)[1] and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty[3] in their national legislation and practice, in particular by establishing a child-oriented juvenile justice system, whether criminal, civil or other, which guarantees the rights of children, promotes their sense of dignity and worth and fully respects their age and their right to fully participate in and contribute to society.

3. We request all States to make the provisions of these instruments widely known to children in child-accessible language, and to adults and professional groups working with and for children.

4. We recognize the importance of a comprehensive national approach in the area of juvenile justice respecting the interdependence and indivisibility of all of the rights of the child.

5. We call on States to integrate into the school curricula, particularly at the primary school level, education on the Convention on the Rights of the Child. We further suggest that awareness be raised by other appropriate means, including the provision of information by campaigns on the rights of the child. We request all States to accord priority to the effective training of all those involved in the field of juvenile justice.

6. We urge States to guarantee those rights and to give the highest priority to the prevention of the violation of the rights of the child, including those arising in the area of juvenile justice. To this end the child should be clearly recognized as an active and responsible participant in society.

7. We urge States to adopt all necessary measures to ensure the non-derogability of fundamental children's rights and freedoms, including the freedom from discrimination; the right to life; the freedom from torture or other cruel, inhuman or degrading treatment or punishment; the freedom from any form of slavery or exploitation; the freedom of thought, conscience and religion; the right to be recognized as a person before the law; the right to be protected against retroactive penal laws; and the right to full benefit of all legal safeguards in the juvenile system as recognized in all relevant international instruments.

8. We recommend that States give serious consideration to the establishment of an independent mechanism, such as an ombudsperson, to ensure that the rights and best interests of the child are upheld in the light of existing international standards.

9. As a measure towards improving quality of life and to ensure greater social justice for all as protection against exploitation, elimination of poverty must be addressed with a sustained strategy, both in national and

international settings. States as well as international organizations such as the World Bank and the International Monetary Fund should reappraise development policies and programmes to integrate child development and protection more concretely into their implementation and to ensure greater equity, income distribution and resource allocation, including land reform and budget restructuring, for needy children and their families. "Child impact assessment" indicators and tests should be incorporated into all international, national and local development programmes.

B. Specific targets

10. We call upon all States to translate into practice, by the year 2000, the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

11. We request all States to ensure that the Convention on the Rights of the Child, the Riyadh Guidelines, the Beijing Rules and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty are translated into all national and ethnic languages, and are widely disseminated in respective national territories by the year 2000.

12. We urge States to ensure that all judges, lawyers, prosecutors, social workers and other professionals concerned with juvenile justice matters receive human rights and juvenile justice training by the year 2000.

13. We further urge States to incorporate the Convention on the Rights of the Child as well as international juvenile justice instruments as an integral part of all police training at least by the year 2000. Given that children's rights should be guaranteed to every child under the entire jurisdiction of the State, we see particular need for immigration officers to also receive such training by the year 2000.

II. COORDINATION AND TECHNICAL COOPERATION

14. We urge that the field of juvenile justice be given priority within the United Nations system-wide action, in particular by the Commission on Crime Prevention and Criminal Justice, the Commission on Human Rights, the Committee on the Rights of the Child and the United Nations Children's Fund (UNICEF).

15. In this regard, we recognize the urgent need for close cooperation between all bodies and mechanisms concerned with this field, including the Committee on the Rights of the Child, the Crime Prevention and Criminal Justice Branch, the Centre for Human Rights and UNICEF. Such cooperation should be strengthened particularly with regard to research, dissemination of information, training, implementation and monitoring of existing standards, as well as in the provision of technical assistance programmes.

16. The effective implementation of international standards in technical cooperation and advisory services programmes should be ensured by giving particular attention to the following aspects related to protecting and promoting human rights of juveniles in detention, strengthening the rule of law and improving the administration of the juvenile justice system:

(a) Strengthening national capacities and infrastructures;

(b) Training programmes for judges, prosecutors, lawyers, administrators, social workers and other professionals dealing with juvenile justice;

(c) Training programmes for law enforcement officials.

17. In the elaboration of such programmes, the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch should take into consideration the recommendations of relevant bodies of the United Nations system, in particular those of the Committee on the Rights of the Child, and take them into account in the execution of these programmes as well as in appropriate follow-up activities.

18. In accordance with his mandate, the United Nations High Commissioner for Human Rights, in close cooperation with the Crime Prevention and Criminal Justice Branch, the Committee on the Rights of the Child and UNICEF, should develop strategies in order to ensure effective coordination of the respective technical cooperation programmes in the field of juvenile justice.

19. Projects under these programmes should be executed on the basis of needs assessments and should include appropriate evaluation and follow-up procedures, preferably by methods of accompanying action research, with the participation of children. Regional institutes, UNICEF and other relevant bodies as well as national institutions and non-governmental organizations should be an integral part of these activities.

20. We stress the importance of adequate financial and human resources for such programmes. In this context, we underline the need for adequate preparation of the missions of the United Nations interregional advisers in crime prevention and criminal justice through needs assessment missions as well as through appropriate follow-up for comprehensive projects.

21. We recommend that the United Nations crime prevention and criminal justice programme publish and widely distribute a manual on standards of juvenile justice as a matter of priority, in cooperation with the Centre for Human Rights and UNICEF, and that adequate funding be provided for this purpose.

22. In view of the need to strengthen the monitoring capacity of the United Nations system in the field of juvenile justice, we urge States parties to the Convention on the Rights of the Child to provide in their periodic reports to the Committee comprehensive information on the implementation of the provisions of the Convention and related United Nations standards adopted in this field, in particular the Riyadh Guidelines, the Beijing Rules and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

23. Furthermore, appreciating the establishment of a working group to monitor the application of United Nations norms and standards in crime prevention and criminal justice, we urge the Commission on Crime Prevention and Criminal Justice to introduce juvenile justice standards into the process of information gathering and to request States to submit information to the sixth session of that Commission on the way such United Nations norms and standards are effectively implemented at the national level, the difficulties encountered and the solutions envisaged to remedy the existing shortcomings.

24. We urge that due attention be paid to a periodic exchange of all of the information gathered between all those United Nations bodies concerned, always maintaining close cooperation with non-governmental organizations and other relevant entities.

III. CHILDREN AND JUVENILES DEPRIVED OF THEIR LIBERTY

25. We call upon the Commission on Crime Prevention and Criminal Justice, the Commission on Human Rights, through its relevant mechanisms, and the Committee on the Rights of the Child to organize joint periodic missions to visit facilities where juveniles are deprived of their liberty or otherwise restricted. In this regard, we invite the Secretary-General to provide the necessary means to effectively organize and carry out such missions, as well as to ensure appropriate follow-up to them.

26. We urge States to ensure easy access by relatives, non-governmental organizations and interested individuals to facilities where juveniles are deprived of their liberty or otherwise restricted, in order to maintain a link between the detained juvenile and his or her family and community, to facilitate his or her social reintegration and to allow for monitoring and reporting on the conditions in these facilities. We urge States to allow independent monitoring bodies access to such facilities.

27. We call upon States, intergovernmental and non-governmental organizations to raise awareness of situations for juveniles deprived of their liberty and, in particular, on the high rate of juveniles on remand and the length of periods for which they are held in custody. In addition, the conditions under which juveniles are deprived of their liberty need to be highlighted with emphasis on, *inter alia*, overcrowding, lack of programmes for useful activities and exercise, the frequency of physical and sexual assault and the corresponding risk of infection from the human immunodeficiency virus (HIV).

28. In order to ensure greater compliance with international standards concerning the rights of children, States are urged to take, *inter alia*, the following measures:

(a) Ensuring that legislation concerning the age of criminal responsibility, civil majority and consent does not have the effect of depriving any child of the full enjoyment of the rights recognized by the Convention on the Rights of the Child;

(b) Giving priority to setting up agencies and programmes to provide free legal and other assistance to children, and in particular, to ensure that the right of every child to automatically receive such assistance from the moment of arrest is respected in practice;

(c) Taking appropriate steps to make available throughout the country a broad range of alternative measures in order to ensure compliance with the principle that deprivation of liberty should only be used as a measure of last resort, both before trial and after conviction;

(d) Recognizing that the best interests of the child must be a primary consideration in all decisions and that any deprivation of liberty should be for the shortest appropriate period of time, indeterminate sentences should never be applicable to persons below the age of 18 and children should never be kept in closed institutions under a welfare pretext;

(e) Prohibiting legislation from allowing the application of the death penalty or life imprisonment to persons under the age of 18 at the time of the commission of the offence.

29. We urge States to adopt all necessary measures to prevent, forbid and eliminate the use of corporal punishment against children. In the light of existing international standards, we reaffirm that States should establish mechanisms to ensure a prompt, thorough and impartial investigation into allegations against public officials of violation of the fundamental rights and freedoms of children and to ensure that the findings of any such investigation are made public without delay and that those found responsible are duly punished.

30. We call on States to allow access through the judicial system to fair and adequate compensation for all child victims of violations of human rights, including torture and other cruel, inhuman or degrading treatment or punishment, unlawful or arbitrary deprivation of liberty, unjustifiable detention and miscarriage of justice. Necessary legal representation to bring an action within an appropriate court should be provided at state expense.

31. In all cases of deprivation of the liberty of a child, human rights and legal safeguards recognized by the Convention on the Rights of the Child and other relevant United Nations standards should be fully applied within the legal framework, including those elements relating to immigration. In this regard, special attention

should be paid to the situation of unaccompanied minors and others who are internationally displaced. The same principles should be reflected in the revised text of the 1961 convention concerning the powers of authorities and the law applicable in respect of the protection of infants,[6] which is currently under review. In accordance with the principles of deinstitutionalization and decriminalization, we urge States to examine these principles, giving particular attention to children in especially difficult circumstances.

IV. INSTRUMENTAL USE OF CHILDREN AND JUVENILES BY ADULTS IN AND FOR CRIMINAL ACTIVITIES

32. We recommend that systematic research into the causes and effects of the phenomenon of the instrumental use of children in and for criminal activities be undertaken, for the purpose of providing policy and decision makers with profound information and guidance which will serve as the basis for the formulation of international and regional strategies and measures to prevent and control such practices. Such research should entail, *inter alia*, the delineation of typologies of criminal activities in which children are instrumentally used, and the collection, dissemination and exchange of relevant information through electronic networking, including laws, policies, programmes and practices and successful pilot and demonstration projects.

33. The training of law enforcement and other justice personnel, as well as policy makers, should seek to sensitize these professionals to those situations of social risk which cause children to be manipulated by adults to engage in criminal activities.

34. The non-governmental sector active in the field of children's rights should receive every encouragement, both at the national and the international level, in their public awareness-raising campaigns and in their efforts to provide direct services or access to communities and social services for exploited children.

35. The mass media must be invited to engage in public awareness-raising activities to sensitize public opinion to the plight, special circumstances and vulnerability of children used as instruments of crime. At the same time, the mass media should be encouraged not to depict crime and violence as adventure, but to portray it in a responsible, serious manner.

36. Initiatives such as the provision of telephone hotlines, safe houses and emergency houses should be encouraged and made easily accessible to children.

37. We recommend that States should give greater attention to the development of educational programmes, to increase the accessibility of children, especially disadvantaged children, to educational facilities, including non-formal and part-time education. States should also establish innovative incentives to decrease school drop-out rates through assistance for families in need, such as the provision of free meals and textbooks and instruction in minority languages.

38. States should establish and promote adult education programmes to teach parents about the value of education, including education on child rights, and to encourage parental support for their children's education. States should establish and support education programmes for children to promote in them respect for human rights and the rule of law.

39. We urge States to establish qualitative and quantitative indicators to monitor the exploitation of children and their instrumental use in and for criminal activities.

40. Recognizing that a root cause of the instrumental use of children in and for criminal activities is adult criminality, communities should be mobilized to protect children through "community watch" programmes.

At the same time, States should pay particular attention to ensuring that such community-based measures conform to the rule of law, and establish safeguards to this effect.

41. We urge States and national and international organizations to initiate a pro-child, anti-crime network with the International Criminal Police Organization, national police, immigration and law enforcement agencies, and community groups to guard against the instrumental use of children in and for criminal activities. In order to promote rapid and effective communication as well as to promote consistent vigilance and relevant action, each entity in this network should have a focal point dealing with the exploitation of children in child prostitution and child pornography.

42. States and national and international organizations should highlight the responsibility of both the organizer and customer in child exploitation through national and international campaigns. This implies, in particular, a call to incriminate customers of child victims of prostitution and those who make, distribute or possess child pornography.

V. EXPLOITATION OF CHILDREN

43. With regard to the exploitation of children by adults, we call upon all Governments to ensure, if they have not already done so, that all international norms and standards designed to protect the child against such abuses are thoroughly reflected in regional, national and local legislation and practice. We call upon the judiciary and law enforcement agencies to ensure, as a matter of strengthening the rule of law, that such legislation is consistently applied.

44. We urge States to enforce their laws relating to the exploitation of children, including trafficking in and sexual exploitation of children and exploitation of child labour. In particular, we urge States to apply due diligence to prevent and investigate such acts of exploitation against children and to ensure that appropriate sanctions are applied against the adults who exploit the children, rather than against the children who are victims of such crimes.

45. We urge States, supported by the United Nations interregional, regional and affiliated institutes, to develop multidisciplinary training, education and information activities for law enforcement and other criminal justice personnel, as well as for those in other relevant professions such as health care and early childhood and primary education, on the sexual exploitation of children including the activities of paedophiles and paedophile networks.

46. We urge States, in the absence of existing laws, to adopt legislation to punish and redress the wrongs caused to children who are exploited, including making trafficking in children and sexual exploitation of children outside the country by nationals and permanent residents offences.

47. The United Nations should develop a code of conduct on child rights for United Nations peace-keeping operations to prevent United Nations personnel from becoming involved in child exploitation, and this should become an integral and necessary element of training for all such personnel before embarking on any mission.

48. We request States to establish legal, administrative and institutional measures to combat sex tourism. We encourage the World Tourism Organization (WTO), the Centre for Human Rights, the Crime Prevention and Criminal Justice Branch and UNICEF to cooperate more closely on the establishment of a network which aims at the identification and elimination of all forms of sex tourism. WTO in particular is encouraged to continue its efforts to combat organized sex tourism by different activities, especially by adopting the draft declaration on organized sex tourism. Its members are urged to respect this declaration, and to assist WTO in its relevant activities.

49. States should encourage exchange programmes between law enforcement personnel and other bilateral exchanges to deal with transnational trafficking in children. Such programmes might, for example, also entail the stationing of police personnel of one country in other countries to track nationals of the former where they may be a threat to the children of the latter. Such cooperation may be facilitated by the increased exchange of information, such as lists of known paedophiles and crime-linked data, in conformity with data protection legislation. Close cooperation with regard to transnational activities of these networks needs to be established or fostered between Member States in order to establish an international tracking mechanism.

50. We urge States to ensure that children who have been sexually exploited or who are at risk of being sexually exploited have access to assistance that meets their needs, including access to the mechanisms of justice such as legal aid, adequate and safe housing, support services, economic assistance, counselling and health and social services to promote their safety, social reintegration and physical and psychological recovery. Special assistance should be given to those children who are suffering from HIV and acquired immunodeficiency syndrome (AIDS) and should include measures to protect them against discrimination and other harm. Emphasis should be placed upon family-based and community-based rehabilitation rather than institutionalization.

51. Where children are trafficked across frontiers, States and national and international organizations should ensure that the true age of the children is ascertained by independent and objective assessment, preferably with the cooperation of the non-governmental sector. This depends, in part, upon effective birth registration of all children in their country of origin. If they are to be returned to the country of origin, their safety must be guaranteed by independent monitoring and follow-up. Pending their return to the country of origin, they should not be treated as illegal migrants by the receiving countries, but should be dealt with humanely as special cases of humanitarian concern. Upon the return of the children, the country of origin should treat them with respect and in accordance with the international human rights principles, backed up by adequate family-based rehabilitation measures.

52. National laws should explicitly prohibit the exploitation of children for organ transplants, bearing in mind the Guiding Principles on Human Organ Transplantation.[7] States and national and international organizations should ensure effective monitoring of organ transplantation, in particular the role of the private sector and clinics, in order to prevent abuses. In this connection, the medical sector and related professional organizations should be mobilized to report on abuses.

53. States and national and international organizations should ensure public education, including measures aimed at children, on the dangers of child exploitation, in particular child prostitution and other manifestations of the instrumental use of children in and for criminal activities.

54. A central registry of all missing children should be established in every country, and transfrontier exchanges of information should be fostered to trace and monitor the cases concerned.

55. States and national and international organizations, including the private business sector, should be encouraged to prepare and adopt a "business code on child protection" as a basic standard for their conduct towards children in order to counter child abuse, neglect and exploitation. Peer pressure should be exerted on the members of the business community, including transnational corporations, to respect the rights of the child.

56. States and national and international organizations should address the fact that legislation should be periodically reviewed to counter the use of new forms of technology for the purposes of child exploitation.

57. As the sale of children, child prostitution and child pornography are becoming increasingly transnational in character, States should expand extradition arrangements, mutual assistance agreements and other forms of inter-State cooperation to facilitate interchanges.

58. States and national and international organizations should foster changes to traditions which perpetuate child exploitation, not only through the enactment of legislation but also by educational measures and consciousness-raising.

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[1]General Assembly resolution 40/33, annex, of 29 November 1985.

[2]General Assembly resolution 45/112, annex, of 14 December 1990.

[3]General Assembly resolution 45/113, annex, of 14 December 1990.

[4]General Assembly resolution 44/25, annex, of 20 November 1989.

[5]E/CN.4/1995/100.

[6]United Nations, *Treaty Series*, vol. 658, No. 9431.

[7]See World Health Organization, *Forty-fourth World Health Assembly, Geneva, 6-16 May 1991, Resolutions and Decisions, Annexes* (WHA 44/1991/REC/1), annex 6.